Mr. K. ACHYUTA MENON.

Sir, I beg to move that the Cochin Criminal Law Amendment Bill be taken up and passed at Friday's meeting.

Mr. V. K. ARAVINDAKSHA MENON.

Sir, I beg to second the motion.

The motion was then put to vote and carried.

Mr. E. Ikkanda Wariar's Municipal Regulation Amendment Bill.

President.—The next item of business is Mr. Ikkanda Wariar's Municipal Amendment Bill.

Mr. E. IKKANDA WARIAR.

Sir, I request this House to give me leave to introduce a Bill to amend the Cochin Municipal Regulation.

President.—Anybody seconding the motion?

Mr. T. A. RAMACHANDRA AYYAR.

Sir, I second it.

President.—Have you anything to explain?

Mr. A. EACHARA MENON.

Sir, I oppose it.

President.—We have not yet come to that stage. When the motion has been seconded, the mover will state the objects and reasons, and then we can go on with the opposition.

Mr. A. B. SALEM.

Standing Order 38. Then and there the opposition must be made.

President.—We have passed that stage. Let me go on with this statement. Mr. Eachara Menon, you oppose the Municipal Amendment Regulation? Let me ask Mr. Wariar to go on with his statement.

Mr. E. IKKANDA WARIAR.

Permission is given under sections 156 and 172 of the Municipal Regulation to levy license fees for carrying on offensive and dangerous trades from persons carrying on such trades within a distance of three miles from the Municipal limits. I shall first read that section. Section 156 runs thus:—

Purposes for which places may not be used without license.

1. "At any time, not being less than sixty days before the end of a year, the Council may publish by a notification in the Cochin Government Gazette and by beat of drum that after the beginning of the following year no place within Municipal limits

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or at a distance within three miles of such limits shall be used for any one or more of the purposes specified in the schedule V without the Chairman's license. The Government shall have power, after previous publication, to alter, add to or cancel in part the schedule in respect of all Municipalities or any Municipality.

2. "The owner or occupier of every such place shall, not less than thirty days before the end of every year, or, in the case of a place to be newly opened, not less than thirty days before it is opened, apply to the Chairman for a license for the use of such place for such purpose.

3. "The Chairman may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such license.

4. "Every such license shall expire at the end of the year unless for special reasons the Chairman considers it should expire at an earlier date; when it shall expire at such earlier date as may be specified therein."

Then, section 172 runs thus:—

"No person shall, without or otherwise than in conformity with a license from the Chairman, carry on the trade of a butcher, fishmonger or poulterer, or use any place for the sale of flesh or fish intended for human food in any place within Municipal limits or at a distance within three miles of such limits:

"Provided that no license shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermetically sealed receptacles.

2. "The Chairman may, by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such license.

3. "Every such license shall expire at the end of the year in which it is granted, unless for special reasons the Chairman considers it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein."

Sir, my object in bringing this amending Bill is to take away from these two sections the words "at a distance within three miles of such limits", and the reasons for that I have given at some length in the statement which was submitted by me along with the Bill itself and which has been printed and circulated

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among you. But as this Bill has been opposed even at this stage, I shall make some further explanatory remarks on this matter. We all know how this provision came into our Regulation. This Regulation itself was copied from some of the British Acts as usual, and as a matter of course, it was copied by some of the clerks. It was published in the Gazette, and you may also know that no one used to take much interest in these things because they generally never care to read the Regulations when published in the Gazette. This provision must have been made in certain Municipalities where that might have been found absolutely necessary. For instance, I can imagine the existence of such necessity in the case of Madras or Calcutta or such other big Municipalities. It is quite unnecessary that such a provision is incorporated in the Municipal Regulation of this State.

President.—What is Madras when compared with the Cochin State? Have we any town corresponding to Bombay or Calcutta?

Mr. E. IKKANDA WARIAR.

No, Sir. That is why I have brought this amending Bill. What I wish to bring to the notice of this House is that it may have been necessary in Madras or Bombay or such other places. There the Municipalities are very thickly populated. The people find it very difficult to find accommodation to live within the town itself. Many of them are compelled to live outside the town for the sake of better convenience. If such Municipalities are not given some powers to control what are technically called "offensive and dangerous trades conducted outside the Municipal limits", those people who live outside, either for the sake of convenience or on the score of cheapness of living, may carry some infection to the Municipal towns.

Then, with regard to some other industries they carry on, it may not also be possible to get lands in these Municipalities to build big factories, and the licensing fees may also be great. So they might have established themselves outside the Municipal limits and defeated the legitimate income of the Municipality. There is absolutely no situation like that in the Cochin State. There is not a single town in the Cochin State which can be said to be overcrowded. A look at any town will convince us that it is not overcrowded. Practically, every house has a compound, and in many cases, big compounds. Before dealing with the subject further, I shall read the schedules referred to in these sections so that you may know what all trades could be

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licensed by the Municipality and how far they could be harmful to the Municipality.

Schedule V.

"Washing soiled clothes and keeping soiled clothes for washing them." That mainly refers to washermen; "melting sulphur," etc., etc. If you go through this schedule, you will find that none of these or the majority of these offensive trades do not exist in the Cochin State e. g. melting tallow or sulphur, bones, making fish oil, manufacturing or distilling artificial manure, manufacturing gun powder, &c., &c., as per Schedule V of section 156.

These are the offensive trades which are taxed by the Municipalities. My first point is that there is no necessity for introducing such a provision in the Municipal Regulation. Our towns are not so big as the big cities of Madras or Bombay and such other places, and no trade is conducted or would be conducted in order to defeat the Municipality for years to come. This provision is incorporated in the Municipal Act of British Malabar and it is nowhere enforced. Even in the Cochin State it is nowhere enforced except in the Municipality of Trichur. (*Hear, hear.*) This provision is quite harmless, if it is not acted upon without sufficient necessity. It may be there, and if in some cases of emergency, it becomes necessary, or the Chairman should think it necessary to exercise some control, it may be granted for the sake of argument that the power may be left there. But when it is left there, it is liable to be abused by persons who do not know why that provision is there. So my object in bringing this amendment Bill is to deprive such persons of such powers, until a time comes, when it would be necessary to give them such powers.

President.—But then, Mr. Wariar, if, for the purpose of evading the payment of fees, these people carry on these trades—these dangerous and offensive trades--just beyond the Municipal limits, how can we safeguard it? Suppose they go outside, and there, on the borders of the Municipal limits, they settle down and carry on these trades.

Mr. E. IKKANDA WARIAR.

Fortunately, there are no such cases existing now. There are the Panchayats which are also given the power over sanitation. In our State there is also a Sanitary Department manned by very vigilant Sanitary Inspectors, who look to rural sanitation, &c. All places except the areas covered by the Municipalities are under the control of the Sanitary Department.

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President.—Do they license these trades?

DIWAN BAHADUR Dr. V. VERGHESE.

No, Sir, neither the Panchayats.

Mr. E. IKKANDA WARIAR.

They give licenses.

President.—These noctious and dangerous trades just now referred to by you, are they licensed by the Sanitary Department or the Panchayats?

Mr. E. IKKANDA WARIAR.

To answer this question, a further analysis of the schedule is necessary. Such of these trades as are really offensive and dangerous are licensed by the Sanitary Department. I think the Hon'ble Member on the other side will be able to enlighten us on this point.

Dr. A. R. MENON.

Say, for instance, a butcher's shop conducted regularly.

DIWAN BAHADUR Dr. V. VERGHESE.

The sections of the British Municipal Act have been introduced in our State. There are areas where they are not applied. We cannot even license an ordinary market or cart-stand.

President.—Are there areas where these provisions have been introduced?

DIWAN BAHADUR Dr. V. VERGHESE.

Yes, there are.

Mr. E. IKKANDA WARIAR.

I think I can explain that. I know the process. There are three or four Sanitary Inspectors employed under the Sanitary Department, who go about, and when they find that it is necessary to license any trade like this, they at once report to the Chief Medical and Sanitary Officer who will ask for the permission of the Government to apply this provision of the Municipal Regulation to those areas, and the Government invariably gives them permission; and I think the permission was given in many cases. It was in fact controlling some of the butchers' trades as well as some of the other trades. By a mere reading of the schedule, you will be able to see that some of them are no offensive trades, say, for instance, boiling paddy by the people outside the Municipality. Many of the poor people are

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living by boiling paddy or making rice out of it, for their rich neighbours.

Dr. A. G. MENON

A point of order. "Boiling paddy" refers to merchants, not the paddy for every day consumption. That is, when it is boiled for sale, when it is pursued as an occupation.

Dr. A. R. MENON.

We do not boil paddy for trade purposes.

Mr. E. IKKANDA WARIAR.

I refer only to cases in which paddy is boiled for the purpose of trade. We find every day in the villages that thousands of poor ladies are living upon this. They get three or four paras of paddy from the rich men and boil them for their living. It may be their trade.

Dr. A. R. MENON.

Certainly not. It is simply because one has got a rice mill—a very extensive mill—that he is taxed. The foul water that flows to the gutters produces an offensive smell, and it is a most insanitary trade, and if it is conducted on an extensive scale, they would be granted license under the Sanitary Regulation in force. But no license is taken for boiling paddy which is done on a small scale.

Mr. E. IKKANDA WARIAR.

Unfortunately, the Regulation does not say that only the trades carried on on an extensive scale would be licensed. It simply says "boilding paddy", "melting camphor," &c., &c. One Chairman one day may take it upon himself to think that they should be licensed. I challenge the Trichur Municipal Chairman to say that there has been a specific case in which it was found necessary to control the carrying on of these offensive trades outside the Municipality which affected the health of the town. There has been nothing of the kind. This provision was brought into effect only by the Trichur Municipality. I am a rate-payer of the Trichur Municipality. I am also a member of that Municipal Council. I am interested in that Municipality. But I don't want poor peoples' money to feed the Municipality. That is why I brought forward this Bill. Sir, it is only out of this feeling for the poor that I brought forward this Bill.

The Chairman publishes in the Gazette a notification. Then the Sanitary Inspectors go about and give notice to the

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people carrying on these trades three miles away from the Municipal limits. As a matter of fact, it will take in more than three miles. It will take 7 or 8 miles by road to reach some of the shops that are licensed. Coffee clubs conducted at a distance of 6 miles, if you go by road, are taxed by the Municipality by persons who think that they would do some harm to the Municipality. What harm would they do to the Municipality? Why should the Municipality exercise any control over them?

President.—I want to ask something just for my information. Does any of the provincial towns of the Madras Presidency enforce this provision of the Act?

Dr. A. R. MENON.

It is applied in four Municipalities—Coimbatore, Madura, Tanjore and Calicut. In Madras, Tanjore and Calicut, of course, they have not enforced it, though they have the right to enforce it. But in Coimbatore they have done this.

President.—Does any of the provincial towns of the Madras Presidency permit this? That is my necessity for referring to this question.

Mr. E. IKKANDA WARIAR.

There is this difference also in these cases. We are told that Calicut, Madura, Tanjore and Coimbatore are the four instances in which they have enforced this provision. They are certainly much bigger towns than the towns of the Cochin State. I do not think that there is necessity for such a thing in our State, especially when we have an efficient Sanitary Department. It is certain that the Sanitary Department looks after the sanitation in the rural parts. We have also Panchayats all over the State; for instance, there are 36 Panchayats in Trichur within three miles radius.

President.—The three mile limit will fall within 36 villages, and each village does not constitute a Panchayat.

Mr. E. IKKANDA WARIAR.

Sir, about 36 villages and not Panchayats. Everybody in this House knows that Trichur is almost surrounded by paddy fields, and this 3 mile rule applies only to places outside the Municipal limits, and they are thinly populated villages where the houses are scattered at a distance of one furlong and in some cases two furlongs. They are not congested places. In fact, for most of the articles these people in these villages depend upon the towns. They go to the town to purchase these articles.

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These articles are cheaper in the town. So they cannot do any harm to the Municipality in any way. So what it comes to is only this: the Municipality wants some money.

Dr. A. R. MENON.

No, no. We do not want.

Mr. E. IKKANDA WARIAR.

It is not for anything else that this provision is enforced by the Trichur Municipality; for nothing other than the raising of the funds. These people are not given any representation in the Municipal Councils.

Mr. M. K. RAMAN.

May I know what is the amount collected by way of licenses?

Dr. A. R. MENON.

We get about Rs. 1,500, out of which we spend about Rs. 1,200 on these places, and it is not at all a matter concerning money.

Mr. A. SANKARA PUDUVAL.

We will bring in an amendment with regard to this.

President.— I think I can allow a brief explanatory statement.

Mr. A. SANKARA PUDUVAL.

Sir, With your leave, I would make a few observations in regard to this matter.

The Bill has been moved and opposed. Generally, discussion is not allowed at this stage. Standing Order No. 30 directs that 'the President may ask both the mover and the opposer to make brief explanatory statements.' Let us see what the procedure in the English Parliament is.

"In making a motion for leave to bring in a Bill, a member may explain the object of the Bill, and give reasons for its introduction; but unless the motion be opposed, this is not the proper time for any lengthened debate on its merits. When an important measure is offered by a minister or other member, this opportunity is frequently taken for a full exposition of its character and objects; but otherwise, debate should be avoided at this stage, unless it be expected that the motion will be negatived, and that no future occasion will arise

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for discussion." (*May's Parliamentary Procedure, latest edition, Page 380.*)

President.—Is not the rule the same here too?

Mr. A. SANKARA PUDUVAL.

Practically the same, Sir. The matter affected by the Bill is one of general importance, and there has been a lot of agitation over it. To enable members to understand the scope of the Bill and its general importance, I would suggest that, before the question is put, a little discussion may be permitted.

President.—I shall think over the matter. It would be desirable to have a full understanding of the subject before votes are taken.

Mr. A. B. SALEM.

A point of order. It is an established convention in all the Councils of India that no member should oppose the mere introduction of a measure. If we are to follow it, I may, for your information, Sir, state how this convention was established in the Assembly.

The convention has been established that no member of the legislature should oppose the introduction of any measure. It does not mean necessarily the acceptance of the principle of the Bill which can be properly discussed at a later stage. It corresponds to the first reading in the House of Commons. That has been established in all the legislatures. I put it to you, Sir, to say whether that convention is not proper to be established in this House as well. Of course, under the rules we are given the liberty to oppose the provisions of the Bill and the several clauses connected with it.

President.—But, what is the object of this Standing Order, Mr. Salem, when the motion is opposed at the first stage?

Mr. A. B. SALEM.

The same rule is also there. There is another aspect, that there is a contingency, where there may not be an opportunity for further discussion, to oppose it.

President.—That shows, if the Bill is opposed, you will have to take votes.

Mr. A B. SALEM.

The object of this is when once a member asks for leave to introduce a Bill, if even the members are not for it (whatever be their reasons), they will vote for its introduction.

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President.—But you may explain.

Mr. A. B. SALEM.

An explanation shall be ordinarily allowed to the mover of the measure introduced, and no one should object to it at the very stage of its introduction. The introduction will only mean that it is permitted by the House to be discussed. It means that it will be published and studied by the members, and the Bill will then be taken up for consideration and thrown out at a later stage, if disapproved.

Mr. A. SANKARA PUDUVAL.

I am not aware of this convention. I have not said anything on that point. It seems to me a waste of time. It seems to me that there is no use of reading the Bill a second or third time, provided it is not considered.

President.—Such a convention is in the Parliamentary practice.

Mr. A. SANKARA PUDUVAL.

At the first reading, the Bill is not taken up for consideration. The mere introduction corresponds to the first reading of the House of Commons. It is generally not opposed, and it is a well-established convention in all the Councils. In Madras also it is like that.

Mr. C. ACHYUTA MENON.

In Parliament 999 Bills out of a thousand are not opposed at the first reading. Of course, if it is a highly controversial measure like the Parliamentary Bill introduced by Mr. Asquith, curtailing the powers of the House of Lords, it will be opposed at the first reading. But there is no convention to refrain from opposing at the second stage. The Bill is then considered on its merits.

President.—Why not allow the second reading without publishing the Bill?

Mr. V. K. KOCHUNNI MENON.

Rule 31 of the Legislative Council Rules:—

"As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette".

Mr. E. IKKANDA WARIAR

The rules are the same in the Assembly, and everywhere it is the same. But when Mr. Patel became the President of

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the Legislative Assembly, he wanted to establish this convention, and it was for the first time he attempted to establish this convention. When, in the first Legislative Assembly, its first non-official President, Mr. Patel, assumed the office of the President of the Legislative Assembly, he wanted to establish this Parliamentary convention, and that is the report which my friend Mr. Salem referred to.

President.—Is there any support for that in the Parliamentary practice?

Mr. C. A. OUSEPH.

There is something in our Rules. I shall read that.

"If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, *may without further debate* put the question thereon".

Mr. A. SANKARA PUDUVAL.

My point of order was that members should not oppose the mere introduction of a Bill. Bills should not be allowed to be opposed at the mere introduction, unless they be of a contentious nature.

President.—The question is not one of opposition. When there is a clear provision in the Council Manual that, when a Bill is introduced, the principle of the Bill and its general provisions may be discussed, and when there is the absence of this provision in S. O. 30, the question is: can we discuss the Bill and its provisions now?

Mr. A. SANKARA PUDUVAL.

I should be understood to mean that it is a matter of vital importance affecting the Council.

President.—Inasmuch as the Bill has been opposed, we will discuss the matter more fully. But, meanwhile, until we are sure of the advisability of adopting the convention, I will not adopt it for the present. I will follow the rule (S. O. 30) about the opposition, and if any member wants to exercise that right, I will allow it to be exercised.

Mr. A. EACHARA MENON.

I beg to withdraw my opposition at this stage.

Many members stated that there was no rule for the withdrawal, there being no express provision in the Rules.

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President.—I ask the House whether Mr. Eachara Menon's request to withdraw the opposition is to be granted.

Mr. A. Eachara Menon was allowed to withdraw his opposition. Mr. Ikkanda Wariar's motion for leave to introduce the Municipal Amendment Regulation was next put to the vote. The motion was carried by a majority.

President.—The next stage is the publication in the Gazette. The next item of business is Mr. Eachara Menon's Municipal Regulation Amendment Bill.

Mr. A. Eachara Menon's Municipal Regulation Amendment Bill.

Mr. A. EACHARA MENON.

Sir, I beg leave to move that my Bill to amend the Municipal Regulation be read in Council.

Mr. CHAKKO CHERUVATHUR.

I second the motion.

The motion was allowed by the Council.

Resolutions on Matters of General Public Interest.

President.—Unless we take up the resolutions tabled for yesterday and the previous day, we have no work for this day. And we have to consider as to how far we will be justified in taking up the resolutions now on the agenda. Of course, it is possible, without following the provisions of the law, to carry on the discussion on the resolutions, and I think that that course may be adopted. Without your leave, I would not take up this resolution. For myself, I think there is absolutely no objection. The question is about the precedence. If the House does not see any serious objection in proceeding with the discussion of the resolutions already tabled, then I think we will spend our time usefully in discussing them.

In the Legislative Council Regulation and in the Rules and Standing Orders, there is nothing said definitely about the precedence, and after all, these resolutions have only the effect of recommendations. The tabled resolutions can come up, as there is no illegality.

Mr. K. T. MATHEW.

Suppose the House agrees to have the resolutions taken up. What assurance have we that the first three resolutions will come up nest time?

President.—We have regularity and legality. Cases of irregularity are not taken serious notice of. Illegality goes to the root of the matter and affects it seriously.

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